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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREW KLINK,

Plaintiff,

v.

NORTHSTAR LOCATION SERVICES,
LLC,

Defendant.

CV 12 1889

) Case No.: CV 12 1889

) VERIFIED COMPLAINT

) (Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

ANDREW KLINK (Plaintiff), by attorneys, KROHN & MOSS, LTD., alleges the following against NORTHSTAR LOCATION SERVICES, LLC (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Count II of Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

1 without regard to the amount in controversy," and 28 U.S.C. 1337 grants this court
2 supplemental jurisdiction over the state claims contained therein.

- 3 4. Defendant conducts business in the state of California; therefore, personal jurisdiction is
4 established.
5 5. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

6 **PARTIES**

- 7 6. Plaintiff is a natural person residing in Burlingame, San Mateo County, California.
8 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
9 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)
10 and Cal. Civ. Code § 1788.2(h).
11 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
12 Code § 1788.2(c), and sought to collect a consumer debt from Plaintiff.
13 9. Defendant is a national company with its headquarters in Cheektowaga, New York.
14 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
15 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
16 insurers.

17 **FACTUAL ALLEGATIONS**

- 18 11. In or around September of 2011, Plaintiff began receiving calls from Defendant in
19 connection with the collection of an alleged debt.
20 12. Defendant calls Plaintiff from 866-677-2569, 888-820-0963, and possibly other numbers
21 also.
22 13. Since the very earliest calls, Plaintiff informed Defendant that he refuses to speak to
23 Defendant; that he is working with a debt settlement company who is making efforts to
24 resolve the account and is in contact with Defendant regarding same, and that further
25 calls directly to Plaintiff cease.

14. Despite the foregoing, Defendant continued to call Plaintiff directly, at least twice but as often as seven times per day, seeking and demanding payment on an alleged debt.

COUNT I
**DEFENDANT VIOLATED THE FAIR DEBT
COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt; and
 - b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, ANDREW KLINK, respectfully request judgment be entered against Defendant, NORTHSTAR LOCATION SERVICES, LLC, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
U.S.C. 1692k.

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
15 U.S.C. 1692k

18. Any other relief this Court deems appropriate.

COUNT II
**DEFENDANT VIOLATED THE ROSENTHAL
FAIR DEBT COLLECTION PRACTICES ACT**

19. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

20. Defendant violated the RFDCPA based on, but not limited to, the following:

- a. Defendant violated §1788.11(d) of the RFDCPA by causing a telephone to ring repeatedly and continuously so as to annoy the person called;

- 1 b. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls with
- 2 such frequency that was unreasonable and constituted harassment; and
- 3 c. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
- 4 comply with the statutory regulations contained within the FDCPA, 15 U.S.C. §
- 5 1692 et seq.

6 WHEREFORE, Plaintiff, ANDREW KLINK, respectfully request judgment be entered
7 against Defendant, NORTHSTAR LOCATION SERVICES, LLC, for the following:

- 8 21. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices
9 Act, Cal. Civ. Code §1788.30(b),
- 10 22. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
11 Practices Act, Cal. Civ Code § 1788.30(c), and
- 12 23. Any other relief this Court deems appropriate.

13 DATED: April 9, 2012

14
15 RESPECTFULLY SUBMITTED,

16 KROHN & MOSS, LTD.

17 By

Ryan Lee
Attorney for Plaintiff

1 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

2 STATE OF CALIFORNIA

3 Plaintiff, ANDREW KLINK, states as follows:

- 4 1. I am the Plaintiff in this civil proceeding.
- 5 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
6 that all of the facts contained in it are true, to the best of my knowledge, information
7 and belief formed after reasonable inquiry.
- 8 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
9 law or by a good faith argument for the extension, modification or reversal of existing
10 law.
- 11 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
12 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
13 needless increase in the cost of litigation to any Defendant(s), named in the
14 Complaint.
- 15 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

16 Pursuant to 28 U.S.C. § 1746(2), I, ANDREW KLINK, hereby declare (or certify,
17 verify or state) under penalty of perjury that the foregoing is true and correct.

18 DATE: 12/15/11



19 ANDREW KLINK

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